

AMENDED IN ASSEMBLY APRIL 23, 2003

AMENDED IN ASSEMBLY APRIL 1, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 938

Introduced by Assembly Member Yee

February 20, 2003

An act to add Sections 2987.2, 4549, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 938, as amended, Yee. Mental health professions: scholarships and loans: funding.

Existing law requires the Office of Statewide Health Planning and Development to establish a nonprofit public benefit corporation known as the Health Professions Education Foundation to perform various duties with respect to implementing health professions scholarship and loan programs.

Existing law provides for the Registered Nurse Education Program within the foundation under which persons who agree in writing prior to graduation to serve in an eligible county health facility, an eligible state-operated health facility, or a health manpower shortage area are eligible for scholarship and loan repayment. Existing law establishes in the State Treasury the Registered Nurse Education Fund and provides for the appropriation of money in the fund annually in the Budget Act for purposes of the Registered Nurse Education Program.

This bill would similarly establish the Licensed Mental Health Service Provider Education Program. The bill would require the foundation to develop the program, as prescribed, to provide scholarships and loans to licensed mental health providers, as defined, who agree to serve in an eligible ~~county health~~ *publicly funded* facility or a health manpower shortage area that is multicultural and linguistically diverse. The bill would establish in the State Treasury the Mental Health Practitioner Education Fund and moneys in the fund, upon appropriation by the Legislature, would be available for expenditure by the office for purposes of the program.

Existing law provides for the licensure and regulation of psychiatric technicians by the Board of Vocational Nurses and Psychiatric Technicians, psychologists by the Board of Psychology, and marriage and family therapists and licensed clinical social workers by the Board of Behavioral Sciences. Existing law requires these regulatory boards to charge license renewal fees.

This bill would require these boards to charge these licensees, at the time of license renewal, an additional ~~unspecified~~ *specified* assessment fee. The bill would require the boards to transfer the fee amounts to the Controller for deposit in the Mental Health Practitioner Education Fund established under the bill. Moneys in the fund would be used, upon appropriation by the Legislature, for the Licensed Mental Health Provider Education Program. This bill would impose a state tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) An adequate supply of licensed mental health service
- 4 providers is critical to ensuring the health and well-being of the
- 5 citizens of California, particularly those who live in multicultural,
- 6 linguistically diverse, and medically underserved areas.
- 7 (b) The California Mental Health Planning Council has
- 8 identified the shortage of human resources at all levels as one of
- 9 the most urgent issues facing the mental health system. The



1 shortage is most acute for child psychiatrists, licensed clinical
2 social workers, and especially for multilingual and multicultural
3 staff in all mental health occupations.

4 (c) In an effort to address the crisis facing the mental health
5 system, the California Mental Health Planning Council developed
6 the Human Resources Project that is directed by its Human
7 Resources Committee. Beginning in 2001, the project convened
8 focus groups targeting social workers from three of the most
9 prevalent ethnic communities: Latino, Asian/Pacific Islander, and
10 African-American. The focus groups were conducted in
11 collaboration with the California Institute for Mental Health and
12 funded by the State Department of Mental Health and the
13 Zellerbach Family Fund.

14 (d) The Human Resources Project's September 2002 report
15 entitled "Human Resources Pilot Ethnic Focus Group Project:
16 Summary of Recommendations" found that financial barriers to
17 practice was the primary reason cited by the participants. All
18 participant groups indicated that they had encountered serious
19 difficulty in meeting the expenses of graduate school while
20 struggling with living and child care expenses. All groups
21 advocated for additional forms of financial assistance, like the loan
22 forgiveness programs currently available to doctors and nurses.

23 SEC. 2. Section 2987.2 is added to the Business and
24 Professions Code, to read:

25 2987.2. In addition to the fees charged pursuant to Section
26 2987 for the biennial renewal of a license, the board shall collect
27 an additional fee of ~~_____dollars (\$_____)~~ *ten dollars (\$10)* at the
28 time of renewal. The board shall transfer this amount to the
29 Controller who shall deposit the funds in the Mental Health
30 Practitioner Education Fund.

31 SEC. 3. Section 4549 is added to the Business and Professions
32 Code, to read:

33 4549. In addition to the fees charged pursuant to Section 4548
34 for the biennial renewal of a license pursuant to Section 4510, the
35 board shall assess and collect an additional fee of ~~_____dollars~~
36 ~~(\$_____)~~ *five dollars (\$5)* for the renewal of a license of a
37 psychiatric technician. The board shall transfer this amount to the
38 Controller who shall deposit the funds in the Mental Health
39 Practitioner Education Fund.

SEC. 4. Section 4984.75 is added to the Business and Professions Code, to read:

4984.75. In addition to the fees charged pursuant to Section 4984.7 for the biennial renewal of a license pursuant to Section 4984, the board shall collect an additional fee of ~~_____dollars~~ ~~(\$_____)~~ *ten dollars (\$10)* at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 5. Section 4996.65 is added to the Business and Professions Code, to read:

4996.65. In addition to the fees charged pursuant to Section 4996.6 for the biennial renewal of a license, the board shall collect an additional fee of ~~_____dollars~~ ~~(\$_____)~~ *ten dollars (\$10)* at the time of renewal. The board shall transfer this amount to the Controller who shall deposit the funds in the Mental Health Practitioner Education Fund.

SEC. 6. Article 4 (commencing with Section 128454) is added to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, to read:

Article 4. Licensed Mental Health Service Provider Education Program

128454. (a) There is hereby created the Licensed Mental Health Service Provider Education Program within the Health Professions Education Foundation.

(b) For purposes of this article, “licensed mental health service provider” means a psychiatric technician, psychologist, marriage and family therapist, and licensed clinical social worker.

(c) Persons participating in this program shall be persons who agree in writing prior to graduation to serve in an eligible ~~county health~~ *publicly funded* facility or a health manpower shortage area that is multicultural and linguistically diverse, as designated by the director. Persons agreeing to serve in eligible ~~county health~~ *publicly funded* facilities or health manpower shortage areas may apply for scholarship or loan repayment. The Licensed Mental Health Service Provider Education Program shall be administered so that all funds in the Licensed Mental Health Service Provider Education Fund shall be used only for the purpose of promoting the education of licensed mental health service providers and

1 related administrative costs. The Health Professions Education
2 Foundation shall make recommendations to the director of the
3 office concerning both of the following:

4 (1) A standard contractual agreement to be signed by the
5 director and any student who has received an award to work in an
6 eligible ~~county health~~ *publicly funded* facility or in a health
7 manpower shortage area that would require a period of obligated
8 professional service in the areas of California designated by the
9 Health Manpower Policy Commission as deficient in mental
10 health care services. The obligated professional service shall be in
11 direct patient care. The agreement shall include a clause entitling
12 the state to recover the funds awarded plus the maximum
13 allowable interest for failure to begin or complete the service
14 obligation.

15 (2) Maximum allowable amounts for scholarships, educational
16 loans, and loan repayment programs in order to assure the most
17 effective use of these funds.

18 (d) Applicants may be persons who are licensed mental health
19 service providers or graduates of advanced degree programs
20 specializing in mental health services.

21 128458. (a) In developing the program established pursuant
22 to this article, the Health Professions Education Foundation shall
23 solicit the advice of representatives of the Board of Behavioral
24 Science Examiners, the Board of Psychology, the Board of
25 Vocational Nurses and Psychiatric Technicians, *the California*
26 *Mental Health Planning Council*, professional mental health care
27 organizations, the California Healthcare Association, the
28 Chancellor of the California Community Colleges, and the
29 Chancellor of the California State University. The foundation shall
30 solicit the advice of representatives who reflect the demographic,
31 cultural, and linguistic diversity of the state.

32 (b) The program shall include, but not be limited to, the
33 following components:

34 (1) A graduated loan forgiveness system in which a percentage
35 amount of any loan granted pursuant to this article may be forgiven
36 and in which the amount forgiven increases with the number of
37 years that a person commits to and works in the designated areas.

38 (2) The loan forgiveness system shall keep the fees from the
39 different licensing boards separate to ensure that all loans forgiven

1 are funded by those fees collected by the specific board under
2 which the qualified applicant is licensed.

3 (3) The number of persons who may be considered for the
4 program shall be limited by the funds made available pursuant to
5 Section 128460.

6 128460. There is hereby established in the State Treasury the
7 Mental Health Practitioner Education Fund. The moneys in the
8 fund, upon appropriation by the Legislature, shall be available for
9 expenditure by the office for purposes of this article.

